

REMARKS

The Examiner rejected Claims 25, 27, and 28 under 35 U.S.C. § 102(b) as being anticipated by Patent Number 5,666,908 (So). The Examiner objected to Claim 26 as depending from a rejected base claim. Such rejection and objection are noted.

The Examiner allowed Claims 1-24, 29, and 30. Independent Claim 25 has been amended. Applicant respectfully submits that Claims 1-30 are allowable.

Initially, Applicants wish to thank the Examiner for the comprehensive examination made of the Application. It is apparent from the Examiner's comments that the Examiner reviewed the Application thoroughly and made the effort to understand Applicant's invention. Such effort is appreciated by the Applicants.

Record of Telephone Interview

The Applicant's Representative, Thomas A. Kulaga, conducted a telephone interview with Examiner Robert P. Swiatek on June 23, 2005. Claim 25 was discussed. Possible amendments to Claim 25 were discussed, with the conclusion that if structure not in the prior art were added to the method claim, the claim may well be allowable. Examiner Swiatek said that he would consider such an amendment if submitted. Applicants have amended Claim 25, as described below and as discussed with Examiner Swiatek.

Rejections Under 35 U.S.C. § 102(b)

Addressing the Examiner's rejection of Claims 25, 27, and 28 under 35 U.S.C. § 102(b), Applicant respectfully suggests that So does not anticipate the claims of the present invention. Section 2131 of the Manual of Patent Examining Procedure describes the basis for anticipation under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

With respect to Claims 25, 27, and 28, the Examiner states:

While the pulse widths and voltages of So can be varied ("adjusted-column 6, line 3, of So) as shown in Figure 3 of the patent, they are considered to remain fixed for the given stimulation level code - i.e., level of stimulation - required for training circumstances (column 5, lines 62-66, and column 6, lines 4-7, of So).

Paper Number 20050610, Application Serial No. 10/750,289, at 2.

Claim 25

Claim 25 has been amended to include the limitation that the current is generated from "a switch array receiving at least one input pulse stream." Claim 25 has also been amended to clarify that "said current being independent of a pulse width, a frequency, and a pulse voltage of each one of said at least one input pulse stream." Also, step b3) of Claim 25 has been amended to remove the reference to the input pulse stream because such reference is not necessary to understand the claim.

Accordingly, the amended claim requires that the pulse stream width, frequency, and voltage not be used to determine the current corresponding to the stimulation level code. That is, the one or more pulse streams have fixed characteristics regardless of the value of the current being generated. This limitation is not found in So.

As seen in Figure 3 of So, the pulse width **PW** varies from a narrow pulse width **360** generating a corresponding lower pulse voltage **380** to a wider pulse width **362** generating a corresponding higher pulse voltage **382**. So discloses that the "control program **250** . . . generate[s] voltage pulses at a specified pulse period (**PP**), with each voltage pulse having a pulse width (**PW**) determined by the stimulation level code in the transmitted control signal." So, Col. 4, lines 37-41. So adjusts the width of the pulses **380**, **382** to change the voltage of the output pulses **380**, **382** at the output of the transformer **272**. Accordingly, So does not disclose a pulse stream with a fixed pulse width for generating different current levels to be input to the pulse transformer.

Further, amended Claim 25 requires that a switch array generate the current. So does not disclose a switch array that generates a current..

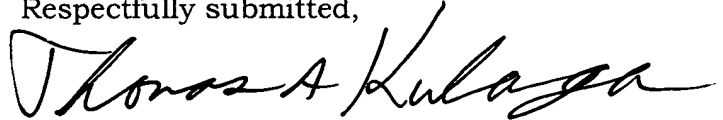
Applicants respectfully submit that amended Claim 25 is not anticipated by So. Having no further rejection of or objection to Claim 25, it is respectfully submitted that Claim 25 is in condition for allowance. Dependent Claims 26, 27, and 28 are also in condition for allowance as depending from an allowable base claim.

Conclusion

In view of the amendment of Claim 25, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the Examiner is respectfully requested. If, however, the Examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the Examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 16-1910 (29105.00).

Respectfully submitted,

A handwritten signature in black ink, reading "Thomas A. Kulaga". The signature is fluid and cursive, with the first name "Thomas" and last name "Kulaga" clearly legible.

Thomas A. Kulaga
Registration No. 46,844

Pitts & Brittan, P.C.
P.O. Box 51295
Knoxville, Tennessee 37950-1295
(865) 584-0105 Voice
(865) 584-0104 Fax
tkulaga@pitts-brittan.com